

# EXHIBIT

# 1

IN THE UNITED STATES JUDICIAL DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EDVIN C. REMUND, an	)	
individual,	)	
	)	CIVIL NO. 2:07CV00448
Plaintiff,	)	
	)	DEPOSITION OF:
vs.	)	
	)	<u>EDVIN C. REMUND</u>
STATE FARM FIRE AND	)	
CASUALTY COMPANY, dba	)	
State Farm Insurance,	)	
a nationwide insurance	)	
company,	)	
	)	
Defendant.	)	
	)	

May 30, 2008  
9:06 a.m.

Offices of Strong & Hanni  
3 Triad Center, Suite 500  
Salt Lake City, Utah

RENEE L. STACY  
Registered Professional Reporter

A P P E A R A N C E S

FOR THE PLAINTIFF:      BRIAN W. STEFFENSEN  
                                 Attorney at Law  
                                 STEFFENSEN LAW OFFICES  
                                 2159 South 700 East  
                                 Suite 240  
                                 Salt Lake City, UT 84106

FOR THE DEFENDANT:      ANDREW D. WRIGHT  
                                 Attorney at Law  
                                 STRONG & HANNI  
                                 3 Triad Center  
                                 Suite 500  
                                 Salt Lake City, UT 84180

REMUND, EXAM BY WRIGHT

May 30, 2008

9:06 a.m.

P R O C E E D I N G S

EDVIN C. REMUND

called as a witness at the instance and request of the defendant, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. WRIGHT:

Q Mr. Remund, we've met before. My name is Andrew Wright. I'm counsel for State Farm, which is the defendant in this lawsuit.

Will you please state your full name for the record?

A Edvin, spelled with a V, Clive, C-L-I-V-E, R-E-M-U-N-D, Remund.

Q Okay. And what is your address, please?

A 1365 East Harvard Avenue, Salt Lake City, Utah 84105.

Q Have you ever had your deposition taken before?

A Yes, I have.

Q How long has it been?

A Years. I can't think of exactly when, but

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1 Q How old is Ronald?

2 A Born in 1960, so whatever that is. So that  
3 makes him 38.

4 Q And Joan?

5 A I think 33, something like that.

6 Q What brought you to Utah -- or back to  
7 Utah?

8 A Just made a decision to leave Southern  
9 California.

10 Q Have you worked here in Utah at all?

11 A Worked? You mean for pay?

12 Q As a -- yes, as a profession.

13 A No.

14 Q You've been doing things, though?

15 A Oh, yes.

16 Q How about your wife? Has she worked here  
17 in Utah --

18 A No.

19 Q -- as a profession? Okay. Are Ronald or  
20 Joan married at all?

21 A Neither one have ever been married.

22 Q Do you know when the Harvard home was  
23 built?

24 A 1928.

25 Q And you were saying the Daines family built

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1 it?

2 A Daines family. I think it was Fred Daines.

3 Q Is that who you purchased the home from?

4 A No.

5 Q Who did you buy it from?

6 A Robert Orton. No, no, no. My mistake.

7 Lewis. Dr. Lewis. I can't remember his first name.

8 Q Did you speak with Dr. Lewis about the home  
9 as you were purchasing that?

10 A Yes.

11 Q Did you have any discussions about the  
12 creek that runs at the back of your property?

13 A No.

14 Q In the purchase of -- sorry. In the  
15 process of purchasing that home, were there any  
16 discussions with anyone -- real estate agents,  
17 anyone -- specifically about the creek that runs  
18 through that property?

19 A Other than the house was on the creek, no.

20 Q What discussions were had about the house  
21 that's on the creek?

22 A They just told me it was down there. I  
23 went and looked at it.

24 Q Did you receive a set of disclosures from  
25 Dr. Lewis when you purchased that home?

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1 A I think -- yes. I'm reasonably sure I did.

2 Q Do you recall anything in those disclosures  
3 indicating any issues with flooding or problems of  
4 any kind with that creek?

5 A No issues.

6 Q Had you heard from anybody, either at the  
7 time you purchased the home or since, that there had  
8 been any problems with that creek prior to your  
9 purchase of the home?

10 A Have I heard?

11 Q Have you heard or has someone told you  
12 that?

13 A We discussed things about the creek with  
14 neighbors.

15 Q And tell me what you've learned.

16 A Just that it's, especially in the last few  
17 years, it's just been up and down in flow. That's  
18 about it. And the number of steps down to it at my  
19 place and another place. A contest was going on, how  
20 many steps down to the creek. Mine is the furthest,  
21 by the way.

22 Q Okay. So it's clear on the record, you  
23 have a gully or ravine, whatever you want to call it,  
24 at the back of your property, correct?

25 A It's referred to as the gully.

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1           Q     The gully. And running at the bottom of  
2     that gully is Red Butte Creek?

3           A     That's correct.

4           Q     Is that what it's called?

5           A     It is.

6           Q     And then you have -- what do you call the  
7     structure down there that's on the creek that's on  
8     your property?

9           A     It's a two-story structure, yes.

10          Q     Do you call it a cabin or is it a summer  
11     home or --

12          A     Just the house on the creek.

13          Q     Okay. And that house on the creek, having  
14     been there myself, the creek literally runs  
15     underneath a portion of that.

16          A     That's correct.

17          Q     And tell me, if you were to go upstream  
18     from the portion of the creek that is located on your  
19     property, if you were to walk up to the next couple  
20     of properties, is that creek directed by any sort of  
21     retaining or channel walls up the creek?

22          A     Channel walls.

23          Q     And do those channel walls run up the creek  
24     a ways, then?

25          A     A ways.



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1 Q How far? Do you know?

2 A I haven't measured it, but I would estimate  
3 about 70 feet, something like that, from my property,  
4 going east.

5 Q And then how about going west?

6 A There are some partial channel walls down  
7 there.

8 Q Okay.

9 A I don't know how far.

10 Q Now, when you purchased the home in '02,  
11 tell me, what were the channel -- I know it's changed  
12 since then, so tell me what the channel walls and the  
13 setup was down there as far as the creek goes.

14 A Well, they were intact all the way under my  
15 property, under the structure.

16 Q And so these are --

17 A Stone walls.

18 Q -- stone walls. And did it have a floor to  
19 it as well, a stone bottom to it?

20 A Partially. Upstream, not directly under  
21 the structure.

22 Q Okay. So on your property you've got the  
23 rock walls, the channel walls, as you called it, and  
24 then -- but the bottom of that is just a natural  
25 bottom to it?

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1 A Yeah. Gravel bottom.

2 Q Okay.

3 A Rocks and gravel.

4 Q And then at the tops of the walls was the  
5 ground level to the sides of each of those walls?

6 A Depends on where you're talking about.

7 Q Okay. So some portions of it were level;  
8 some were not?

9 A That's correct.

10 Q And there's a change in elevation going  
11 from east to west on that creek; is that right?

12 A There is.

13 Q I assume that you would have observed the  
14 creek as you purchased that property and were in that  
15 property in 2002.

16 A Sure. What it was at the time, yes.

17 Q What were your observations as far as the  
18 flow of the creek in 2002?

19 A Very low.

20 Q Can you describe for me how low? Can you  
21 quantify that at all?

22 A Oh, probably a half a second foot a minute,  
23 something like that.

24 Q How deep -- let's say when you first got  
25 into the home in the --

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1 A January.

2 Q -- January time frame of 2002, how deep  
3 would it be?

4 A A few inches.

5 Q And then in the springtime, I would assume  
6 that creek would rise some and flow faster.

7 A Yes.

8 Q As the runoff was coming down the creek?

9 A Correct.

10 Q And did that then subside some in the late  
11 summer and fall?

12 A Yes.

13 Q And was that the case in 2002?

14 A As I recall. I wasn't observing it that  
15 closely at that time.

16 Q Does that -- I would assume that creek  
17 increases in flow and depth when you've got big  
18 rainstorms.

19 A Yes.

20 MR. STEFFENSEN: Foundation. Time period.

21 Q (BY MR. WRIGHT) Talking '02, still.

22 A Yeah. Yes.

23 Q Has that always been the case? The flow  
24 and depth increases as you get rainwater coming down  
25 it?

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1           A     Yes.

2           Q     And has it always been the case that the  
3     flow and depth of that stream changes over the  
4     seasons?

5           A     It does.

6           Q     And so, generally speaking, is it accurate  
7     to say that from 2002 to the present, that the flow  
8     and depth of that stream increases in the spring  
9     runoff time and up through a portion of the summer?

10          A     Yes. During the time I've been there I've  
11     observed that, yes.

12          Q     Okay. And then goes down, decreases some  
13     in the late summer and fall time?

14          A     That's correct.

15          Q     Do you have any observations -- if you were  
16     to compare the flow of the water now to in '02, do  
17     you have any observations as to any differences or  
18     distinctions?

19          A     Now, meaning like today?

20          Q     Yes. Like this year.

21          A     Well, I can't remember exactly what the  
22     status and flow was in those early years six and a  
23     half years ago.

24          Q     Have you noticed a general increase in flow  
25     and depth in that creek?

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1           A       I can't remember whether Vicki did or not,  
2       but I know that I gave her pictures of the property  
3       that were taken about that time.

4           Q       Showing the stream?

5           A       Yeah. Under the structure.

6           Q       Did she give you a copy of that policy?

7           A       Yes.

8           Q       Did you read it?

9           A       Yes.

10          Q       When you read that policy, did you  
11       understand that it was a standard flood insurance  
12       policy issued through a federal government program?

13          A       I did.

14          Q       Was that explained to you by Vicki when  
15       she --

16          A       No, but I knew that the government was the  
17       underwriter.

18          Q       Prior to 2005 when you took that policy out  
19       through State Farm, had you had any other flood  
20       insurance policies in your life?

21          A       No.

22          Q       Did you know at all about the standard  
23       flood insurance policy prior to this time with Vicki?

24          A       Very generally.

25          Q       What was your understanding?

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1 your complaint, you explain that you observed the  
2 water rising. This paragraph goes on to say that  
3 the -- you observed that the walls -- the channel  
4 walls and the foundation on the structure down there  
5 were being undermined.

6 A That's correct.

7 Q Tell me what you mean by that.

8 A Well, just upstream from my structure,  
9 those walls -- those channel walls, some are washed  
10 away out of there, which left holes in each side of  
11 those channel walls for the water to get behind the  
12 walls that remained downstream underneath my  
13 structure.

14 Q Okay. So let me make sure I understand  
15 you. So the rocks that formed the walls themselves  
16 were getting washed away?

17 A Yes.

18 Q And that left a gap, a hole in the wall so  
19 that water could get behind the wall?

20 A That's correct.

21 Q And then the water, as it got behind the  
22 wall, was compromising the earth or the support for  
23 those walls? Is that accurate?

24 A I didn't observe that at the moment, but  
25 that's what was going on. The water -- the term is

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1 "piping." Water gets behind a vertical channel wall  
2 like that on each side, and whatever is behind it,  
3 which you can't see, that water is going through  
4 there and eroding away whatever is in its road, and  
5 eventually did erode away underneath those  
6 foundations.

7 Q Okay. So the damage that you could  
8 initially observe was that the rocks in those walls  
9 were getting washed out, were getting torn out?

10 A Yeah, which made holes and made access for  
11 the water to get behind the channel walls.

12 Q I see.

13 A Which were built specifically for  
14 channeling the water.

15 Q And was it your feeling, then, that this  
16 increased depth or flow of the stream in this May of  
17 '05 time frame had washed those rocks out of that  
18 channel wall?

19 A Not all of them.

20 Q Well, some of them?

21 A In part of it, yeah.

22 Q And created those holes?

23 A Yes.

24 Q And as a result of that, then you decided  
25 to purchase insurance through State Farm?

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1           A     No, no. I purchased the insurance long  
2 before there was any damage.

3           Q     Okay. Let me take you back to Paragraph 6  
4 and make sure I understand what you've just said.  
5 This paragraph references the May of 2005 time frame.

6           A     Uh-huh.

7           Q     And indicates that the water began to  
8 undermine the structure's foundation.

9           A     Okay. I can't remember the date when I  
10 purchased the insurance.

11               MR. STEFFENSEN: Paragraph 5 says April.

12               THE WITNESS: Yeah, so the month before, it  
13 was fine.

14           Q     (BY MR. WRIGHT) Okay. So you purchased  
15 the --

16           A     Flood policy, yeah, in April.

17           Q     From State Farm in April of '05, and then a  
18 month later you began seeing these problems that  
19 we've talked about?

20           A     Yeah. Minor at the time, but I did observe  
21 it, yeah.

22           Q     Okay. So you've told me about the  
23 undermining, the holes in the wall and the erosion  
24 behind those walls. What was occurring with the  
25 structure's foundation in May of '05?



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1           A     At that point, I don't think there was any  
2     obvious thing going on with the foundations, other  
3     than I was concerning myself with what might happen.

4           Q     Okay. How did those problems progress,  
5     then? Walk me through --

6           A     Well, as -- first of all, I saw settlement  
7     in one pier that's in the center of the building.  
8     There's two piers that support the center of the  
9     structure which are above ground about seven or eight  
10    feet.

11          Q     And which side of the creek would those  
12    piers be on?

13          A     Would be the west side, the one I observed  
14    the settlement. And, actually, that's when I think  
15    we made the claim and State Farm came out and  
16    observed that.

17          Q     Okay. Now, at that period of time -- so  
18    you had two of the piers then that were having  
19    problems?

20          A     Well, the first one, there was just the  
21    one.

22          Q     Okay.

23          A     The first time period when I called the  
24    insurance company and said, "Look, I've got a problem  
25    here," and they came out and looked. There was only

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1 the one pier, which was the center pier on the west  
2 side of the creek under the building.

3 Q Okay. At that period of time, then, when  
4 you first notified State Farm, what was the condition  
5 of the walls, other than the holes that you've told  
6 me about? Was there anything beyond that?

7 A No, not really.

8 Q Okay. Was the -- could you observe at that  
9 time -- when you reported to State Farm that you had  
10 a problem, could you observe that the earth behind  
11 those rock walls was being washed away?

12 A Other than under the foundation that we  
13 were looking at. It was bare, fully uncovered at  
14 that point. You could see the pier and the  
15 foundation for the pier, which was a concrete  
16 foundation. You could see it. The flow was low  
17 enough you could see it and observe it at that point.

18 Q Okay. So had --

19 A Just there at that point.

20 Q Okay. So at that point, then, had all of  
21 the rock walls washed away?

22 A No, no. No. No. They're still not all  
23 washed away.

24 Q Were the holes increasing, then, over time?

25 A Oh, I would say -- were they increasing

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1 over time?

2 Q Over time.

3 A Over what time?

4 Q In -- let's talk about '05, spring and  
5 summer of '05. Were you observing increased rocks?

6 A Oh, I couldn't tell. When the water comes  
7 up, you can't tell what's going on. At that point,  
8 all we could see is that one pier in the time frame  
9 we're talking about it, and underneath it. That's  
10 all you could really observe, and a few other things.  
11 I could tell where the flow was coming from, which  
12 was behind a wall on that side where that pier is  
13 exposed.

14 Q Okay. So you could see water going around  
15 the wall?

16 A Behind it.

17 Q And which side of the creek?

18 A West. Or south.

19 Q South. Okay. Under the structure?

20 A Yeah, yeah. Just upstream of the pier  
21 we're talking about, the first one that was the  
22 problem.

23 Q Okay. So just a little bit to the east of  
24 that pier?

25 A That's correct. The holes at that point

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1       were very minor. Water was getting in there and you  
2       could see where it had been flowing, but -- of  
3       course, now that's increased considerably in the last  
4       several years.

5           Q       So this problem has continued to develop  
6       since you first noticed it in '05?

7           A       Since I first had the claim guys out there  
8       and they looked at it, yes.

9           Q       Okay. So you reported this to State Farm  
10      in -- when do you think it was you reported it?

11          A       Apparently before September 23rd, 2005.

12          Q       Because that's when someone from State Farm  
13      came to take a look?

14          A       Yeah.

15          Q       And what did that person from State Farm --  
16      you've got a person identified here, Steve Purcell.

17          A       Yeah. He was the inspector at the time.

18          Q       Okay. Did he -- during his inspection, did  
19      he tell you anything about whether the damage would  
20      be covered?

21          A       I don't recall whether he told me anything,  
22      but he did write a letter, which indicated they were  
23      going to fix that, which that would be covered, in my  
24      estimation, when they offered me money to fix it, but  
25      it was a stupid solution to the problem, and I told

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1           A     Pretty much, yes.

2           Q     So, going into the spring of 2006, tell me  
3 what was happening as far as the depth and flow of  
4 that creek.

5           A     It was very high.

6           Q     And can you quantify how high it was?

7           A     Well, you could -- you couldn't see,  
8 upstream, the walls, channel walls. I mean, the  
9 water was that high.

10          Q     So it was --

11          A     Above those walls.

12          Q     Okay.

13          A     Upstream from my place and upstream -- and  
14 under my place, same condition. You couldn't see the  
15 rock walls. You could see the concrete on top at  
16 that time, as I remember, except where it had been  
17 washed away previous under that one pier, or near  
18 that one pier.

19          Q     So the water was filling the channel, then?

20          A     Well, it was -- yes, pretty full. Not  
21 completely full. I mean, it wasn't running over the  
22 tops of those walls underneath the cabin.

23          Q     But close to the top?

24          A     I can't remember exactly, because there was  
25 a hole where that one pillar we were talking about

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1 earlier -- it could go into there and it was in there  
2 and the...

3 Q How high are those rock walls?

4 A Well, they were about three feet,  
5 approximately.

6 Q And so --

7 A Now, that's underneath the cabin.

8 Q Okay.

9 A Or the structure.

10 Q How about --

11 A Upstream, maybe they're two and a half to  
12 close to three feet, some of them. Not on my  
13 property. The walls upstream that were built at the  
14 same time, in the early 20's, all of those walls.

15 Q And in the spring of '06, then, the water  
16 is getting close to the top of those three-foot  
17 walls?

18 A Well, close or above. As I say, I didn't  
19 observe them 24 hours a day, but when the heavy rains  
20 come, it comes right through, and no control on that  
21 stream. It just -- it comes when it comes, middle of  
22 the night or daytime, whatever.

23 Q So, progressing through 2006, then, were  
24 you continuing to have additional damage beyond what  
25 you've told me?

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1           A       Well, the continual erosion continues all  
2       the time. Today, even. To what extent -- and I took  
3       pictures along the line to show some of that, and it  
4       wasn't totally defined. You couldn't define it by  
5       inches or anything of that nature, but it was, and  
6       did continue.

7                       This was -- this letter was, of course,  
8       after I spent quite a bit of money to make sure  
9       nothing else happened, like the structure falling in  
10      the creek.

11          Q       Okay. So by at least July of '06, you had  
12      at least started the --

13          A       Oh, yeah. Finished most of it. We had a  
14      ton of expenses by then. Or not finished all of it,  
15      because it still isn't finished, but I'd just -- I'd  
16      done a substantial amount of work that prevented it  
17      from falling in the stream.

18          Q       And tell me what was done out there to try  
19      and prevent that from falling in the stream.

20          A       Well, first of all, when -- the first  
21      incident took place and I could see the three piers  
22      of the six were down, I moved a house mover in there  
23      with his cribbing and shoring materials to prop it up  
24      so it wouldn't go down, temporarily.

25                       The next phase was to hire a company to

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1       come in and put in new piling. The old pilings were  
2       not going to do the job. They weren't doing the job.  
3       The temporary structures we put in there with the  
4       temporary cribbing and support we put in there was  
5       holding it, but if they were to come out or be washed  
6       out, which didn't ever happen, the structure would  
7       have gone down. So I put in helical pile, eight of  
8       them, and new I-beams underneath, supported by the  
9       helical pile --

10           Q       Okay.

11           A       -- to support the whole structure, and  
12       that's how it stands today.

13           Q       Okay.

14           A       Then we jacked it back up. It had dropped  
15       over a foot on the north end of the building, back  
16       progressively to the south to where the other  
17       supports clear back under the other part of the  
18       structure were holding it.

19           Q       Anything else that was done besides what  
20       you've told me?

21           A       We tried to do things with the channel.  
22       Flow was coming up and down. It was almost futile.  
23       We put quite a bit of concrete in there. I pumped  
24       concrete behind those walls so it wouldn't erode any  
25       more through the holes that were made by the water



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1 originally. Put in sandbags to the tune of about  
2 five or six hundred, and they'd wash out  
3 periodically. Some of -- most of them are still  
4 there. On the upstream, rebuilt those walls that had  
5 progressively washed away to cause the original  
6 foundations to settle, and that's still there. So it  
7 was an ongoing thing during those months.

8 Q Okay. Have the concrete repairs that you  
9 did to the rock walls, has that been effective in  
10 stopping the erosion?

11 A I can't really tell. I can't see behind  
12 there. There's been some continued settlement on  
13 some of the piers that we couldn't effectively pump  
14 concrete back to. And there's one on the west side  
15 of the cabin structure on the south wall of the  
16 channel, that pier used to be right up, and now it's  
17 down four inches, I think, something, last time I  
18 measured it.

19 Q So there's a gap between the top of it?

20 A Top of it and the structure. Now the  
21 structure is being held by the I-beams I put in on  
22 top of the helical pile.

23 Q Okay.

24 A So I think it's still moving a little, but  
25 I couldn't get at that one to get anything under it

REMUND, EXAM BY WRIGHT

1 along the line I got it.

2 Q Okay. If you'll turn to Page 13 of 19 in  
3 that policy, if you look at Paragraph 4, which is  
4 right at the very top of the page there --

5 A Okay.

6 Q Let me just read that. It says, quote  
7 "Within 60 days after the loss, send us a proof of  
8 loss, which is your statement of the amount you are  
9 claiming under the policy, signed and sworn to by  
10 you, and which furnishes us with the following  
11 information." Then it lists A through I. Do you see  
12 that?

13 A Yeah, I do.

14 Q Did you ever do that with respect to the  
15 claim you made with State Farm?

16 A Well, I did in the original when we talked  
17 about that original pier.

18 Q Okay.

19 A And then we did later on.

20 Q And what did you submit as a proof of loss?

21 A Bills.

22 Q Would that be the information that we've  
23 talked about here, this packet?

24 A Yeah, we've talked about it.

25 Q So that's Exhibit 8?

REMUND, EXAM BY WRIGHT

1 MR. STEFFENSEN: I think you have a  
2 foundation issue, because there have been essentially  
3 multiple claims made on the policy.

4 MR. WRIGHT: Okay. Well --

5 MR. STEFFENSEN: There was the '05 claim.  
6 Then there's the '06 claim.

7 Q (BY MR. WRIGHT) Okay. So let me ask you  
8 this: Have you submitted a proof of loss with  
9 respect to any aspect of your claim?

10 A Any aspect?

11 Q Yeah.

12 A Yeah.

13 Q And is that Exhibit 8?

14 A It is.

15 Q Okay.

16 A And others, I guess, if we have any more.

17 MR. STEFFENSEN: Right.

18 Q (BY MR. WRIGHT) Tell me what you mean,  
19 other than Exhibit 8, that you've submitted as proof  
20 of loss.

21 A Well, we've got legal bills and other  
22 things of that nature, I'm sure. I don't know  
23 whether you have them, but I do.

24 Q You've got bills from your attorney?

25 A Yes.

REMUND, EXAM BY WRIGHT

1           Q     Okay. Other than that, do you have  
2 anything else that you've submitted as a proof of  
3 loss?

4           MR. STEFFENSEN: Vague and ambiguous.  
5 Foundation.

6           THE WITNESS: Yeah. Very hard to  
7 determine.

8           Q     (BY MR. WRIGHT) Okay. Have you submitted  
9 any documents that you have signed and sworn to?

10          A     I've signed everything I've submitted,  
11 which you've got copies of this stuff. I'm swearing  
12 to it now. That's me that did it.

13          Q     Okay.

14          A     I haven't sat down with a notary, if that's  
15 what you're talking about.

16          Q     Okay. Now, the damage in 2006 that you  
17 contacted State Farm about, that was continued  
18 ongoing problems from what had started in 2005,  
19 wasn't it?

20          MR. STEFFENSEN: Vague and ambiguous.

21          THE WITNESS: Okay. Vague and ambiguous.  
22 I don't know how else to answer it, unless you want  
23 to rephrase the question.

24          Q     (BY MR. WRIGHT) In other words, if I  
25 understand your testimony correctly, in your

REMUND, EXAM BY WRIGHT

1 observations, this problem started in 2005 and has  
2 progressed through the present, at least until you  
3 had a chance to address it with putting the piers and  
4 concrete there?

5 MR. STEFFENSEN: Vague and ambiguous.

6 THE WITNESS: Well, even now --

7 MR. STEFFENSEN: Vague and ambiguous.

8 Q (BY MR. WRIGHT) Is that right, Mr. Remund?

9 A Well, it's even occurring today.

10 Q And so has this problem been a progression  
11 since 2005, in your view?

12 MR. STEFFENSEN: Vague and ambiguous.

13 THE WITNESS: We deterred it at the last  
14 part of our efforts when I quit spending money.

15 Q (BY MR. WRIGHT) And that would have  
16 been --

17 A At least from the standpoint of the  
18 building falling down, but it's continuing in the  
19 stream.

20 Q Do you have your complaint there? Yeah,  
21 you do.

22 A Yeah.

23 Q If you'll look at Paragraph 13 --

24 A Yeah.

25 Q -- that paragraph says, "In 2006,